

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR469
)	
vs.)	FINAL ORDER OF
)	FORFEITURE
)	
RAMON MENDOZA,)	
JOSE GUSTAVO RUBIO,)	
)	
Defendants.)	

This matter before the Court on the United States' Motion for Final Order of Forfeiture and Memorandum Brief (Filing No. 93). The Court reviews the record in this case and, being duly advised in the premises, find as follows:

1. On April 25, 2005, the Court entered a Preliminary Order of Forfeiture pursuant to the provisions of Title 21, United States Code, Sections 846 and 853, based upon the plea of the Defendant, Jose Gustavo Rubio, to Counts I and II of the Information filed herein. By way of said Preliminary Order of Forfeiture, the Defendant Rubio's interest in one 1991 Ford Expedition, VIN 1FMPU18L2XLA91218, and one 2000 Chevrolet Impala, VIN 2G1WH55KXY9327770 was forfeited to the United States.

2. On May 12, 19 and 26, 2005, the United States published in a newspaper of general circulation notice of this forfeiture and of the intent of the United States to dispose of the properties in accordance with the law, and further notifying all third parties of their right to petition the Court within the stated period of time for a hearing to adjudicate the

validity of their alleged legal interest(s) in said properties. An Affidavit of Publication was filed herein on June 24, 2005 (Filing No. 92).

3. The Court has been advised by the United States no Petitions have been filed. From a review of the Court file, the Court finds no Petitions have been filed.

4. The Plaintiff's Motion for Final Order of Forfeiture should be sustained as to the Defendant Rubio.

5. However, with respect to the Defendant, Ramon Mendoza, the motion is denied without prejudice. The Court has adjudged Mendoza guilty, and the United States may now proceed pursuant to Federal Rule of Criminal Procedure 32.2 (requiring a finding of guilt prior to entering an order of preliminary forfeiture) by filing a motion for an order of preliminary forfeiture in Mendoza's case.

IT IS ORDERED:

A. The Plaintiff's Motion for Final Order of Forfeiture (Filing No. 93) is sustained as to the Defendant, Jose Gustavo Rubio;

B. The Plaintiff's Motion for Final Order of Forfeiture (Filing No. 93) is denied without prejudice as to the Defendant, Ramon Mendoza;

B. All right, title and interest in and to the subject properties, i.e., one 1991 Ford Expedition, VIN 1FMPU18L2XLA91218, and one 2000 Chevrolet Impala, VIN 2G1WH55KXY9327770, held by any person or entity, is hereby forever barred and foreclosed.

C. The subject properties, i.e., one 1991 Ford Expedition, VIN 1FMPU18L2XLA91218, and one 2000 Chevrolet Impala, VIN 2G1WH55KXY9327770, be, and the same hereby is, forfeited to the United States of America .

D. The United States Marshal for the District of Nebraska is directed to dispose of said properties in accordance with law.

DATED this 5th day of July, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge